

IN THE UNITED STATES DISCTRCIT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY

MELISSA HALSTEAD,

Plaintiff,

v.

CASE NO. 5:12-0190
(formerly C.A. No. 11-C-782-H, in the
Circuit Court of Raleigh County, W. Va.)

GE MONEY BANK,
a Federal Savings Bank,

Defendant.

NOTICE OF REMOVAL

1. Defendant GE Money Bank (“GEMB”), hereby removes the above-captioned action to the United States District Court for the Southern District of West Virginia pursuant to 28 U.S.C. § 1441(b). The basis for federal court jurisdiction is 28 U.S.C. § 1331.

2. GEMB is a defendant in the action entitled *Melissa Halstead v. GE Money Bank*, Civ. Act. No. 11-C-782-H, pending in the Circuit Court of Raleigh County, West Virginia.

3. Pursuant to 28 U.S.C. § 1446(a), GEMB attaches as Exhibit A, all “process, pleadings, and orders” served upon GEMB in this action to date.

4. Plaintiff alleges in Count One of the Amended Complaint that GEMB has violated a federal statute, the Telephone Consumer Protection Act, 47 U.S.C. § 227 (the “TCPA”). Plaintiff’s TCPA claim arises under the laws of the United States, and the United States District Court therefore has federal question jurisdiction over that claim. 28 U.S.C. § 1331; *Mims v. Arrow Fin. Servs.*, ___ U.S. ___, 2012 WL 125429 (Jan. 18, 2012). Because the TCPA claim arises under the laws of the United States, the action is removable to this Court pursuant to 28 U.S.C. § 1446(b).

5. Plaintiff's Summons and Amended Complaint were received by the West Virginia Secretary of State on December 27, 2011. Therefore, this Notice of Removal is being filed in a timely manner pursuant to 28 U.S.C. § 1446(b).

6. Written notice of the filing of this Notice of Removal will be given to Plaintiff. Written notice of this Notice of Removal and a copy thereof will be filed with the Circuit Court of Raleigh County, West Virginia, as provided by 28 U.S.C. § 1446(d).

WHEREFORE, defendant GE Money Bank, prays this action to proceed to this Court as an action properly removed thereto.

GE MONEY BANK,

Defendant,

BY COUNSEL:



Bryant J. Spann (WVSB # 8628)
Zackary B. Mazey (WVSB # 10027)
Christopher S. Dodrill (WVSB # 11040)
Guthrie & Thomas, PLLC
500 Lee Street, East, Suite 800
P. O. Box 3394
Charleston, WV 25333-3394
Tel: 304.345.7250
Fax: 304.345.9941
bjspann@agmtlaw.com
zbmazey@agmtlaw.com
csdodrill@agmtlaw.com

IN THE UNITED STATES DISCTRIT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY

MELISSA HALSTEAD,

Plaintiff,

v.

CASE NO. _____
(formerly C.A. No. 11-C-782-H, in the
Circuit Court of Raleigh County, W. Va.)

GE MONEY BANK,
a Federal Savings Bank,

Defendant.

CERTIFICATE OF SERVICE

I, Zackary B. Mazey, counsel for defendant GE Money Bank do hereby certify that service of the foregoing "**Notice of Removal**" has been made upon the following counsel by depositing a true copy thereof in the regular course of the United States mail, postage prepaid, on this 26th day of January, 2012, addressed as follows:

Paul W. Roop, II (WVSB # 5406)
ROOP LAW OFFICE, LC
P.O. Box 1145
Beckley, WV 25801
Tel: 304.255.7667
Fax: 304.256.2295
paulroop@rooplawoffice.com
Counsel for Plaintiff



ZACKARY B. MAZEY (WVSB # 10027)
Guthrie & Thomas PLLC
500 Lee Street, East, Suite 800
P. O. Box 3394
Charleston, WV 25333-3394
Tel: 304.345.7250
Fax: 304.345.9941
zbmazey@agmtlaw.com